

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

GABINO SALINES §
VS. § CIVIL ACTION NO. 9:22-CV-113
“STG” GANG INTELLIGENCE, EMA §
MARTINEZ, *et al.*,

MEMORANDUM OPINION REGARDING VENUE

Plaintiff, Gabino Salinas, an inmate currently incarcerated at the Stiles Unit with the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Defendants “STG” Gang Intelligence Ema Martinez, First Lieutenant Davite Flores, and H.C.S.O.

The above-styled action was referred to the undersigned magistrate judge pursuant to 28 U.S.C. § 636 and the Local Rules for the Assignment of Duties to the United States Magistrate Judge for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Discussion

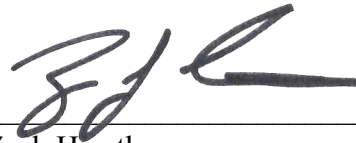
Venue in a civil rights action is determined pursuant to 28 U.S.C. § 1391(b). When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue is proper only in the judicial district where all the defendants reside or in which a substantial part of the events or omissions giving rise to the claim occurred.

Plaintiff’s complaint pertains to his arrest and detention in Hidalgo County, Texas. Hidalgo County is located in the Southern District of Texas, McAllen Division. It is clear that all of the

events or omissions giving rise to his claims occurred in the Southern District of Texas, McAllen Division. Venue, therefore, is not proper in the Eastern District of Texas, Lufkin Division.

When venue is not proper, the court “shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. 1406(a). Plaintiff’s claims should be transferred to the Southern District of Texas, McAllen Division. An appropriate order so providing will be entered by the undersigned.

SIGNED this 4th day of August, 2022.

A handwritten signature in black ink, appearing to read 'Zack Hawthorn', written over a horizontal line.

Zack Hawthorn

United States Magistrate Judge